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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/998,507	12/26/1997	ALBERT BAUER	1704345	2665

7590 11/26/2003

WILLIAM J. SAPONE
COLEMAN, SUDOL, SAPONE P.C.
714 Colorado Avenue
Bridgeport, CT 06605

EXAMINER

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR

1.192(c)

The brief does not contain a statement of the status of all the claims, pending or canceled, and identify the claims appealed as required by 37 CFR 1.192(c)(3). The following is deemed by the Examiner to be a proper listing.

Claims 1-43 have been cancelled.

Claims 47-50, 61 and 63 are withdrawn as being directed to non-elected species.

Claims 44-46 and 51-59 have been finally rejected and these claims are presently appealed.

Claims 60 and 62 are objected to as being dependent upon a rejected base claim but are considered to be allowable and are not subject to this appeal.

If appellant agrees with the above listing and status of claims then his amended Appeal Brief should contain this statement.

The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5).

Appellant does not explain what control algorithm(s) in the disclosure correspond to the limitation in claim 44 of "means for regulating an increase in pressure in at least

one room relative to an outside pressure, to vary the room pressure in correspondence to the selected room temperature" (emphasis supplied).

In the Brief, page 2, in the "Summary of the Invention" sub-section, Appellant discusses how the channel pressure of the supply air is "raised or lowered" and specifically references page 5, lines 5-10 of the specification, page 22 lines 14-28 of the specification and page 27, lines 10-25 of the specification. These disclosures all pertain to regulating the pressure Pzu in the supply channel 10 (as disclosed on page 16, lines 16-18 of the specification). The only disclosure Appellant points to in his Brief is a disclosure of varying the pressure Pzu in the supply channel 10 not "means for regulating an increase in pressure in the at least one room relative to an outside pressure" as claimed in claim 44. Since the only regulated pressure is in the supply channel 10 and the room or rooms it communicates with can have doors which open and close (and the room or rooms apparently have no disclosed separate pressure sensors in them), it is not apparent to the Examiner where the last paragraph of claim 44 (i.e. pressure regulation of an increase in pressure in the at least one room relative to an outside pressure) is described in the "Summary of the Invention" section of the Brief in a manner consistent with the requirements of 37 CFR 1.192(c)(5).

Contrary to Appellant's statement spanning pages 3 and 4 of the Brief, Figure 6a shows the regulated pressure in supply channel 10 not the pressure in the room and, likewise, with respect to Figure 6b. Thus, the current Summary of the Invention appears

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to be inaccurate. It is respectfully submitted that Appellant is generating confusion in this "Summary of the Invention" section by attempting to improperly equate the pressure in the supply duct 10 with the pressure in the room(s) 1. The pressures in the room(s) 1 are not only a function of the supply pressure P_{zu} but are also a function of the positions of each of valves 60 and 61, the pressure within the exhaust duct 11, as well as degree of opening of the doors or windows leading into the rooms from outside and, in general, how "air-tight" the building is as well as the ambient pressure outside of the building.

Finally, the brief does not contain a concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6). The rejections of claim 45 are based on Johannsen in view of Benton or Johannsen in view of Rayburn and further in view of Benton.

Similarly, the rejections of claim 46 are based on Johannsen in view of Robinson or Johannsen in view of Rayburn and further in view of Robinson.

Appellant is required to comply with provisions of 37 CFR 1.192(c).


To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or

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(3) within two months from the date of the notice of appeal under 37 CFR 1.191.

Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication should be directed to John K Ford at telephone number 703-308-2636.



John K. Ford
Primary Examiner